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Room 2722 - 219 S. Dearborn Street  
Chicago, Illinois 60604



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**CERTIFIED COPY**

**ORDER**

November 9, 2020

Before

DIANE S. SYKES, *Chief Judge*  
JOEL M. FLAUM, *Circuit Judge*  
MICHAEL B. BRENNAN, *Circuit Judge*

A True Copy  
Teste:

  
Deputy Clerk  
of the United States  
Court of Appeals for the  
Seventh Circuit

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| No. 20-8029   | IN RE:<br>WHITE CASTLE SYSTEM, INC.,<br>Petitioner |
| <b>Originating Case Information:</b>  |  |
| District Court No: 1:19-cv-00382<br>Northern District of Illinois, Eastern Division<br>District Judge John J. Tharp |  |

The following are before the court:

- 1. WHITE CASTLE SYSTEM, INC.'S PETITION FOR PERMISSION TO APPEAL ORDER PURSUANT TO 28 U.S.C. § 1292(b)**, filed on October 13, 2020, by counsel for the petitioner.
- 2. PLAINTIFF-RESPONDENT'S ANSWER IN OPPOSITION TO DEFENDANT-PETITIONER'S PETITION FOR PERMISSION TO APPEAL PURSUANT TO 28 U.S.C. § 1292(b)**, filed on October 29, 2020, by counsel for the respondents.

**IT IS ORDERED** that the petition for permission to appeal is **GRANTED**. The district court's certification of its order, the petition, and the answer each address a certified question that the petitioner proposed and the district court reframed. But 28 U.S.C. § 1292(b) does not authorize appeal of a particular question; it authorizes appeal of an "order [that] involves a controlling question of law." The appeal is not confined to what either the district court or the parties identified as the "certified question." *See Yamaha Motor Corp., U.S.A. v. Calhoun*, 516 U.S. 199, 205 (1996); *Edwardsville Nat. Bank & Tr. Co. v. Marion Labs., Inc.*, 808 F.2d 648, 650 (7th Cir. 1987).

**IT IS FURTHER ORDERED** that the petitioner shall pay the required docket fees to the clerk of the district court within fourteen days from the entry of this order pursuant to Federal Rule of Appellate Procedure 5(d)(1). Once the district court notifies this court that the fees have been paid, the appeal will be entered on this court's general docket. The district court stated that it intended to stay further proceedings in the case if we were to accept the appeal, and we agree that such a stay is warranted.